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In the

Supreme Court of the United States

OCTOBER TERM, 1967.

IN THE MATTER OF THE PETITION OF ALBERT F. MANION TO PERPETUATE TESTIMONY OF THE CITY NEWS BUREAU OF CHICAGO,

ALBERT F. MANION,

Petitioner,

vs.

SIDNEY T. HOLZMAN, FRANCIS P. CANARY, JR., THADDEUS V. ADESKO, RAYMOND F. SIMON, and MARIE H. SUTHERS,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1967.

No.

IN THE MATTER OF THE PETITION OF ALBERT F. MANION TO PERPETUATE TESTIMONY OF THE CITY NEWS BUREAU OF CHICAGO,

ALBERT F. MANION,

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SIDNEY T. HOLZMAN, FRANCIS P. CANARY, JR., THADDEUS V. ADESKO, RAYMOND F. SIMON, and MARIE H. SUTHERS,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

Petitioner, Albert F. Manion, respectfully petitions for a Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.

OPINIONS BELOW

The opinion of the Court of Appeals (Appendix A) is reported at 379 F. 2d 843.

The several orders of the United States District Court for the Northern District of Illinois are not reported but are set forth in petitioner's Appendices B and C.

JURISDICTION

The judgment of the United States Court of Appeals for the Seventh Circuit was entered on June 26, 1967. No petition for rehearing was filed.

The jurisdiction of this Court is invoked under Title 28 United States Code, Section 1254 (1).

QUESTIONS PRESENTED FOR REVIEW

1. Does an appropriate federal court possess jurisdiction to entertain and adjudicate a claim asserted under the provisions of Title 42 United States Code, Section 1983, for relief from a denial of rights secured to the citizens of the United States of America by the provisions of Article I, Sections 2 and 4 of the Constitution of the United States of America?

2. Did petitioner's complaint state a claim showing his entitlement to appropriate judicial relief?

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

Constitution of the United States of America, Article I, Sections 2 and 4. (Appendix D).

Title 42 United States Code, Section 1983, and Title 28 United States Code, Section 1343. (Appendix E).

STATEMENT OF THE CASE

On November 8, 1966, a general election was held for the office of Representative in Congress of the United States from the Third Congressional District of the State of Illinois, geographic portions whereof are situate and lie within the corporate limits of the City of Chicago, Illinois. The remainder of the said Third Congressional District is contained within the Village of Evergreen

Park, a community within Cook County, Illinois, and contiguous to the City of Chicago.

Petitioner, Albert F. Manion, was and is a citizen of the United States of America and of the State of Illinois, resident within the said Third Congessional District of the State of Illinois, a duly registered voter under the laws of the State of Illinois, and a duly nominated and qualified candidate for the office of Representative in Congress of the United States from the said Third Congressional District of the State of Illinois, in the said general election of November 8, 1966.

On November 17, 1966, respondents, acting as the Canvassing Board of the City of Chicago,[1] commenced the official canvass of votes in the election contest for the office of Representative in Congress of the United States from the Third Congressional District of the State of Illinois.

The significance of the canvass of votes is best measured by the laws of the State of Illinois which provide that the winner of any given election contest, including that for Representative in Congress of the United States from the Third Congressional District of the State of Illinois, shall be that candidate receiving a majority of the votes cast for the office to be filled as determined through the arithmetic summation by the appropriate canvassing board of all returns of election precincts included within that political subdivision of the community describing the office to be filled.

Patently the validity of the arithmetic summation of the canvassing board is limited by the integrity of the

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[1] In addition to the members of the Board of Election Commissioners the Canvassing Board includes both the Presiding Judge of the County Division of the Circuit Court of Cook County, Illinois, and the City Attorney of Chicago, Illinois, as members.

returns of the several election precincts, and to insure the integrity of the returns of the several election precincts, the legislature of the State of Illinois, through the enactment of mandatory legislation, requires a certain minimum dignity in the completion, execution and certification of authenticity of precinct election returns by the various and respective precinct judges of election.

In compiling the abstract of votes for the office of Representative in Congress of the United States from the Third Congressional District, respondents, over the objections of petitioner, included numbers and figures taken from uncertified, irregular, illegal and spurious precinct election returns which had not been prepared, submitted or verified as required by Illinois election laws. These irregular returns were determinative of the outcome of the election.[2]

Petitioner immediately sought relief from the United States District Court for the Northern District of Illinois, Eastern Division, through the application for a temporary restraining order directed against the Chicago Board of Election Commissioners, restraining the said Board of Election Commissioners from including within their official canvass of votes for the respective candidates for the office of Representative in Congress from the Third Congressional District, numbers and figur s taken

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[2] The official canvass promulgated returns of 77,442 votes for petitioner and 83,857 votes for petitioner's opponent; a plurality of 6,415 votes for petitioner's opponent. Excluding *all* numbers and figures of purported votes for the office of Representative in Congress of the United States from the Third Congressional District of the State of Illinois derived from uncertified, irregular, illegal and spurious, precinct election returns (Appendix G), petitioner had 72,788 votes to his opponent's 64,877 votes, ***a plurality of 8,565 votes for petitioner.***

from uncertified, irregular, illegal, and spurious precinct election returns.

Petitioner's application for a temporary restraining order was initially granted and then denied, the Court, in the course of its denial, stating:

> "It is my considered opinion that this Court is without jurisdiction in this matter."

Thereafter, an emergency motion presented to the United States Court of Appeals for the Seventh Circuit seeking in effect relief that had been sought in the District Court, was, on November 21, 1966, denied.

In the interval between November 17, 1966 and November 21, 1966, petitioner prepared and filed a Complaint with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, seeking equitable and legal relief, asserting a claim under the provisions of Title 42, United States Code, Section 1983, on the grounds that the acts of respondents as therein alleged, constituted a denial to petitioner of his rights secured by the Constitution of the United States of America, *viz.*, to have the election for the office of Representative in Congress of the United States from the Third Congressional District of the State of Illinois conducted and determined in the manner prescribed by the legislature of the State of Illinois. (Appendix F)

Conjunctively, a second and more formal motion for a temporary restraining order was presented to the United States District Court for the Northern District of Illinois, Eastern Division, seeking essentially the same relief that had been sought by petitioner's earlier motion for a temporary restraining order.

This motion of petitioner's was also denied, and on November 23, 1966, an order was entered by the said District Court, in the course whereof it was recited:

> "The Complaint of plaintiff alleges no grounds for invoking the jurisdiction of the United States District Court to supervise the canvass of returns required by the laws of the State of Illinois, and for this court to assume such jurisdiction, would open a 'Pandora's Box' of supervision of all congressional elections by the several district courts of the United States." (Appendix B)

To petitioner's complaint, all respondents filed their respective answers.

The matters raised by petitioner's complaint, being thus at issue, petitioner moved pursuant to Rule 34 of the Federal Rules of Civil Procedures for entry of an order permitting petitioner to inspect and photograph election materials as specified in the said motion.

The Court to whom the said motion was directed, dismissed petitioner's complaint on January 10, 1967 stating:

> "It is clear from the record that Judge Perry has twice ruled that this Court is without jurisdiction in this case and that an appeal from one of those orders is now pending before the Seventh Circuit Court of Appeals. Therefore, I cannot now, sitting in Judge Perry's stead, proceed in this case when Judge Perry has ruled that this Court is without jurisdiction. I believe any relief that could possibly obtain, be obtained, must be sought in the Court of Appeals." (Appendix C, p. 12a).

On June 26, 1967 the United States Court of Appeals for the Seventh Circuit affirmed the District Court order of January 10, 1967. (Appendix A).

The basis for federal jurisdiction in the United States District Court for the Northern District of Illinois, is Title 28 United States Code, Section 1343 (3), and Title 28 United States Code, Section 1343 (4). (Appendix E); this being a civil action to redress the deprivation of petitioner's rights secured by the Constitution of the United States, and to secure equitable and other relief under an Act of Congress providing for the protection of Civil Rights.[3]

REASONS FOR GRANTING WRIT

In 1966, the Illinois' State Electoral Board issued a certificate of election to the office of Representative in Congress of the United States from the Third Congressional District of the State of Illinois to one of the candidates in the election contest for that office held November 8, 1966. The certificate of election was based upon a purported canvass, by the five respondents, of the votes cast in the election for that office, which canvass included, in violation of the laws of the State of Illinois, numbers and figures knowingly derived by the respondents from uncertified, irregular, illegal and spurious precinct election returns, which were, in fact, determinative of that candidate to whom the said certificate was issued.[4]

Effectively therefore, *the five respondents,* by their knowing, wrongful and illegal acts, *disenfranchised every*

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[3] Title 42 United States Code, Section 1983. (Appendix E).

[4] See footnote 2, *supra.* The fact that petitioner possessed a winning plurality based upon valid precinct returns is significant in this case, at this time, only as evidence of the denial to him of his constitutional rights, and the extent of that denial.

voter casting a ballot in the said election contest for Representative in Congress of the United States *from the Third Congressional District of the State of Illinois,* irrespective of the candidate for whom any vote was cast, as it was *not the votes cast,* but rather the *numbers and figures which respondents improperly chose to count* that determined the said election contest, *United States* v. *Mosley,* 238 U.S. 383.

These unconstitutional acts of respondents, acting under color of State Law, and their consequent effect on petitioner, a citizen, resident and voter of the said Third Congressional District of the State of Illinois; a duly nominated and qualified candidate in the said election contest for the office of Representative in Congress who voted for a candidate for that office in the said election contest, constituted the subject matter of petitioner's complaint, and the basis of his several prayers for relief.

Although petitioner's complaint is limited to the denial of his rights occurring in a federal election contest in Illinois, the impact of the dismissal of his complaint for lack of federal jurisdiction is of critical national importance as it *denies to every individual the ability to directly and immediately vindicate his constitutional right to representative self government through recourse to legitimately constituted judicial authority* and restricts the enforcement of this right to either discriminatory state inspired prosecution, or the anarchy of the street.

Notwithstanding the broader implications of the Appellate Court's decision, the opinion is totally irreconcilable with the applicable decisions of this Court; particularly, the Appellate Court's confusion of the distinct and differ-

ent concepts of "jurisdiction" and "justiciability", *Baker* v. *Carr,* 369 U.S. 186; its want of appreciation of the scope of right asserted by petitioner, *United States* v. *Mosley, supra; United States* v. *Classic, et al.,* 313 U.S. 299; and its failure to appreciate the breath of the remedy provided by Title 42 United States Code, Section 1983, *Monroe* v. *Pape,* 365 U.S. 167, p. 185.

The Appellate Court failed to distinguish between the Federal Court's jurisdictional power to hear an action based upon an alleged violation of a constitutional right—or a jurisdictional question—and the question of justiciability of an issue—or the inquiry by a Court regarding whether ". . . the duty asserted can be judicially identified and its breach judicially determined, and whether protection for the right asserted can be judicially molded." *Baker* v. *Carr, supra,* 198.[5]

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[5] It is respectfully suggested that the United States Court of Appeals for the Seventh Circuit in deciding this issue of "justiciability" confused an action cast under the Fourteenth Amendment for the redress of an alleged denial of the equal protection of State law requiring a showing of discriminatory treatment, *Snowden* v. *Hughes,* 321 U.S. 1, 7, 8, with an action under the civil corrollary of the act under which *Classic* was prosecuted, which is not so limited or circumscribed, *United States* v. *Classic, et al, supra,* p. 315, cf. *Monroe* v. *Pape, supra,* p. 185.

Further, it is respectfully suggested that the United States Court of Appeals for the Seventh Circuit has, prematurely, reached the subsequent determination that petitioner would be unable to show injury to himself, additional to and distinct from that suffered by all other citizens, residents and voters of the Third Congressional District of the State of Illinois without allowing him the antecedent opportunity to do so. Such injury does in fact include, for example, injury proximately caused by respondents' wrongful acts, measured by the time and money

Surely there is little doubt that the Federal Court has jurisdiction to hear petitioner's claim. Petitioner's claim is ". . . a suit instituted according to the regular course of judicial procedure . . .", *Muskrat* v. *United States,* 219 U.S. 346, 356, and, asserts petitioner's entitlement to relief from the denial to him of a right which the United States Court of Appeals for the Seventh Circuit, in this case found to be ". . . constitutionally protected . . ." (Appendix A, p. 4a). Further, petitioner's claim clearly arises under Article I, Sections 2 and 4, of the Federal Constitution, and has been appropriately prosecuted in the ". . . district court(s) . . . (as a) civil action . . . to redress the deprivation, under color of State law . . ., of (a) right secured (to him) by the Constitution of the United States . . .", Title 28 United States Code, Section 1343(3).

Petitioner's claim assuredly meets the jurisdictional test of *Baker* v. *Carr, supra,* and is entitled to adjudication by a federal court. *Marbury* v. *Madison,* 1 Cranch, 137, 163.

Without comment on this further confusion of the United States Court of Appeals for the Seventh Circuit of jurisdiction and the remedial element of justiciability, petitioner invites this Court's attention to the fact that in the practical dimensions of time and space, the acts

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[5] (Continued)
invested by petitioner in conducting a campaign for an election contest that was not in fact an election contest, but rather an executive selection by respondents among competing candidates, and which injury, as any other tort, would be compensable in money damages. In any case and irrespective of precise remedy, that question should more properly await the litigation of the issues of petitioner's complaint, *Baker* v. *Carr, supra,* p. 198.

of respondents, of which petitioner complains, may always be accomplished with such rapidity as to render the issue moot by the time their illegality is discovered, thus infinitely suspending petitioner, like Kipling's Tomilson, between mootness and prematurity.

Fortunately, the courts are not so restricted, *Baker* v. *Carr, supra,* p. 198, *Gray* v. *Sanders,* 372 U.S. 368, 374.

CONCLUSION

In light of the dismissal of petitioner's complaint, all of its well pleaded facts must be accepted as true; the pleading must be construed in a light most favorable to petitioner, with every intendment resolved in petitioner's favor.

Applying this criteria, the United States District Court for the Northern District of Illinois, and the United States Court of Appeals for the Seventh Circuit, have reached the depressing conclusion that although petitioner has a constitutionally protected right to representative self government, the Federal Courts are nonetheless powerless to defend, protect or vindicate that right at the suit of an individual to whom that right has been denied.

This curious judicial recognition of a constitutional right, and the simultaneous denial of its judicial protection, is little more than an exercise of semantics by which a right, guaranteed in theory by the Federal Constitution, is denied, in practice, by the Federal Courts.

The issue is the alternative of either representative self government by the electorate, or government by the re-

spondents, who, unlike Jefferson, apparently believe that mankind has been born ". . . with saddles on their backs . . ." and that the respondents are the ". . . favored few booted and spurred, ready to ride them legitimately, by the Grace of God." (Letter of Thomas Jefferson to Roger C. Weightman, June 24, 1826).

The decision of the United States Court of Appeals for the Seventh Circuit is demonstratively in error and in conflict with the applicable decision of this court, and involving the basic and important issue of constitutional representative self-government, petitioner requests that a Writ of Certiorari issue to review the decision of the United States Court of Appeals for the Seventh Circuit.

Respectfully submitted,

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APPENDIX A

IN THE UNITED STATES COURT OF APPEALS
For The Seventh Circuit

SEPTEMBER TERM, 1966 — APRIL SESSION, 1967

Nos. 15958, 16083
IN THE MATTER OF THE PETITION OF ALBERT F. MANION TO PERPETUATE TESTIMONY OF THE CITY NEWS BUREAU OF CHICAGO,
ALBERT F. MANION,
Plaintiff-Appellant,
v.
SIDNEY T. HOLZMAN, FRANCIS P. CANARY, MARIE H. SUTHERS, THADDEUS V. ADESKO and RAYMOND F. SIMON,
Defendants-Appellees.

Appeals from the United States District Court for the Northern District of Illinois, Eastern Division.

JUNE 26, 1967

Before SCHNACKENBERG, CASTLE and KILEY, *Circuit Judges.*

CASTLE, *Circuit Judge.* Albert F. Manion, the plaintiff-appellant, prosecutes these appeals from orders of the District Court denying plaintiff a temporary restraining order and dismissing his complaint for permanent injunctive relief against the defendants-appellees. The orders and judgment of dismissal are grounded on lack of jurisdiction.

The record discloses that plaintiff, a citizen of the United States and of the State of Illinois, and a duly registered voter residing in Chicago, Illinois, within the Third Congressional District of Illinois, was a candidate

for the office of Representative in Congress of the United States from the Third Congressional District, in the general election held on November 8, 1966, and voted in such election.

The defendants Sidney T. Holzman, Francis P. Canary and Marie H. Suthers are the members of the Board of Election Commissioners of the City of Chicago, who together with defendant Thaddeus V. Adesko, presiding judge of the County Division of the Circuit Court of Cook County, Illinois, and defendant Raymond F. Simon, corporation counsel of the City of Chicago, constitute the canvassing board with respect to returns of votes cast within the City of Chicago in the election of a Representative in Congress from the Third Congressional District, a portion of which district lies within the corporate limits of the City of Chicago.

The plaintiff's complaint alleges, among other things, that the defendants Holzman, Canary and Suthers, as the Board of Election Commissioners, failed to appoint the requisite number of judges of election for all election precincts under the Board's jurisdiction within the Third Congressional District, and that the defendants, as the Canvassing Board, included in the abstract or statement of votes they were preparing with respect to the election for the office of Representative in Congress from the Third Congressional District numbers and figures of purported votes for the candidates for such office taken from purported precinct returns unsigned by the requisite number of judges of election and from purported returns from voting machine precincts on which the totals were recorded in pencil rather than in ink as required by Illinois statute. The complaint prays that the defendants, in their official capacity as canvassing board, be permanently restrained and enjoined from including in any abstract or statement of votes relating or pertaining to the candidates for the office of Representative in Congress from the Third Congressional District of Illinois any number or figures of votes taken or obtained from any purported return or statement of votes "which is not subscribed by the precinct election officials, as required by the laws of the State of Illinois" and any totals of votes cast in various precincts within the District "where

such totals are not properly recorded on returns or statements of votes in ink as required by the laws of the State of Illinois". The complaint alleges the existence of jurisdiction in the District Court under the provisions of 42 U.S.C.A. §1983 and 28 U.S.C.A. §1343.

The complaint was filed November 21, 1966. Prior thereto, on November 17, 1966, the District Court entered an order vacating a temporary restraining order the court had issued earlier on that same date restraining defendants from proceeding with the canvass until further order. This November 17 order also denied plaintiff's original motion for a temporary restraining order.[1] A subsequent motion of the plaintiff for a temporary restraining order, presented to the court on November 21, 1966, was denied on November 23, 1966, and on January 10, 1967, plaintiff's complaint was dismissed.

Plaintiff contends that inasmuch as the alleged conduct of the defendants constitutes a violation of pertinent Illinois statutory provisions governing the election of a Representative in Congress it thus deprives him of the right secured to him under Article I, Section 4, Clause 1, of the Constitution of the United States[2] to have such election conducted and determined in the manner prescribed by the Illinois statutes, and creates in plaintiff a right to redress as afforded by 42 U.S.C.A. §1983 and prosecutable in the District Court by virtue of 28 U.S.C.A. §1343.

Insofar as the injunctive relief sought by plaintiff with respect to the canvass of the returns of the November 8, 1966, congressional election is concerned the issue is now moot. The canvassing board has long since completed its canvass, and on the very day the District Court dismissed the plaintiff's complaint, January 10, 1967, William T. Murphy was sworn in and seated as the Representative in Congress from the Third Congressional District of Illinois without objection from plaintiff or any other

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[1] By order of this Court an interlocutory appeal (No. 15958) taken by the plaintiff from such order was consolidated with plaintiff's subsequent appeal (No. 16083) embracing the orders denying the subsequent motion for a temporary restraining order and dismissing the plaintiff's complaint.

[2] "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; . . .".

person. Moreover, the constitutionally provided judgment of that election resided in the House of Representatives. Article I, Section 5, of the Constitution of the United States; *Johnson* v. *Stevenson*, 5 Cir., 170 F. 2d 108, cert. den., 336 U.S. 904. Apart from these considerations it is significant to observe that while the complaint alleges violations of the Illinois statutes it does not allege that any votes counted were not cast as counted; that plaintiff's right to vote was interfered with in any way; that his vote was not counted as cast; that any votes cast for him were not counted; or that votes not cast for his opponent were counted for said opponent. No allegation of any resulting injury to the plaintiff is made.

In our considered judgment §1983 is designed for the redress, through federal court action, of a party who is, or a class of persons who are, injured by subjection to a deprivation of a constitutional right, privilege, or immunity—not for the enforcement of abstract rights nor for redress for conduct, which although it constitutes a public wrong in transgression of a constitutionally protected right (*Cf. United States* v. *Classic et al.*, 313 U.S. 299), the only impact resulting therefrom is that which the individual who seeks redress shares in common with all members of the public, without specific individual injury to himself. Consequently, we are of the opinion that although if the additional and general prayer of plaintiff's complaint "for such other and further relief as the court may deem proper" be considered as encompassing a request for injunctive relief restraining the defendants from repeating the alleged violations of the Illinois election law provisions in a future congressional election in the district, nevertheless, in addition to the prematureness of the request, such prayer cannot, in the absence of an allegation to support the existence of some individual injury to the plaintiff, serve as foundation for jurisdiction predicated on the statement of a claim within the scope of §1983. We perceive no allegation of injury to the plaintiff redressable in the federal right of action furnished by §1983 and therefore cognizable in the District Court by virtue of 28 U.S.C.A. §1343.

Plaintiff's reliance upon *Bell, et al.* v. *Southwell, et al.*, 5 Cir., ... F. 2d ..... (No. 23582, Opinion filed April 14,

1967) is misplaced. In *Bell* the election voided was for a local state-created office, Justice of the Peace. Article I, Section 5 of the Constitution of the United States had no inhibitive effect upon the existence of jurisdiction, the exercise of judicial power, or the relief to be granted. The defendant's conduct in *Bell* constituted "racial discrimination which was gross, state-imposed, and forcibly state-compelled". The suit was brought on their own behalf and on behalf of other Negroes and other voters in the election district by Mrs. Bell, a qualified elector and candidate for the office involved, and two other named Negro qualified voters. The defendants admitted the maintenance of segregated voting lists and polling booths. Insofar as *Bell* may be considered as recognizing a rationale that indefensible state-imposed racial discrimination in the election process carries an inherent injury to the parties affected, or otherwise dispenses with an allegation supporting the existence of individual injury (*Cf. Anderson* v. *Martin,* 375 U.S. 399), it is of no aid to the plaintiff here where no issue of racial discrimination is involved.

We conclude that, on the basis of lack of jurisdiction, the District Court did not err in its disposition of the plaintiff's motions and complaint. The orders appealed from are therefore affirmed.

AFFIRMED.

APPENDIX B

IN THE UNITED STATES DISTRICT COURT

* * (Caption—No. 66 C 2062) * *

ORDER

This Matter Coming On to be heard on motion of Albert F. Manion, plaintiff, for a temporary restraining order restraining defendants, and each of them, acting in their official capacities as a canvassing board of the general election held within the City of Chicago, Illinois, for the Third Congressional District of Illinois, on November 8, 1966, from including, or permitting to be included within any abstract or statement of votes relating to the plaintiff's candidacy for the office of Representative in Congress of the United States from the Third Congressional District of Illinois from any numbers of figures of votes taken or obtained from any papers or documents purporting to be a return or statement of votes and which such paper or document is not subscribed by precinct election officials as is required by the laws of the State of Illinois and from including or permitting to be included within any such abstract or statement of vote any total of votes cast in various election precincts within the Third Congressional District of Illinois where such totals are not properly recorded on returns or statements of votes in ink as required by the laws of the State of Illinois;

And The Court having inspected the complaint of the plaintiff, Albert F. Manion, and his affidavit submitted in support of his motion, and having heard the argument of Donald S. Manion, attorney for the plaintiff, and

having heard the arguments of William R. Ming, Jr., attorney for Messrs. Holzman and Canary and Mrs. Suthers who comprise the Board of Election Commissioners of the City of Chicago, and Marvin E. Aspen, attorney for Mr. Simon, Corporation Counsel of the City of Chicago, and the Court being in all respects fully advised in the premises, finds that:

1. Plaintiff's complaint contains no allegation, and there has been no showing, that there is no state court remedy available to the plaintiff, and there is no allegation or showing that the plaintiff will meet such prejudice in the courts of the State of Illinois that the rights of plaintiff, if any, will not be adequately protected by those courts;

2. Heretofore, on November 17, 1966, this plaintiff presented in this proceeding an ex parte oral motion for a temporary restraining order against the said Board of Election Commissioners making substantially the same allegations as are now made, said motion was granted but on the same date after a full hearing that temporary restraining order was vacated and set aside and plaintiff's motion was denied because this Court determined that it had no jurisdiction.

3. On November 18, 1966, plaintiff filed notice of an appeal from that order to the United States Court of Appeals for the Seventh Circuit and that appeal is now pending in that court.

4. None of the defendants has been served with process in this proceeding.

5. Messrs. Ming and Aspen appeared specially, solely for the purpose of opposing plaintiff's motions.

6. The complaint and affidavit do not set forth grounds sufficient for this Court to enter a temporary restraining order under Rule 65 of the Federal Rules of Civil Procedure.

7. The complaint of plaintiff alleges no ground for invoking the jurisdiction of a United States District Court to supervise the canvas of returns required by the laws of the State of Illinois, and for this Court to assume such jurisdiction would open a "Pandora's Box" of supervision of all congressional elections by the several District Courts of the United States.

Accordingly, It Is Ordered that plaintiff's motion for a temporary restraining order be and it is hereby denied.

/s/ J. S. Perry
Joseph Sam Perry
United States District Judge

Nov. 23, 1966

APPENDIX C

IN THE UNITED STATES DISTRICT COURT

* * (Caption—No. 66 C 2062) * *

Transcript of proceedings had in the above-entitled cause before the Honorable William J. Campbell, Chief Judge of said Court, in his courtroom, U. S. Courthouse, 219 South Dearborn Street, Chicago, Illinois, on the 10th day of January, 1967 at the hour of 10:00 o'clock, a.m.

Present:

Mr. Donald S. Manion,
(53 W. Jackson Blvd., Suite 1236, Chicago, Illinois),
appeared on behalf of Plaintiff;

Messrs. McCoy, Ming, & Black, by
Mr. William R. Ming, Jr.,
(123 W. Madison Street, Third Floor, Chicago, Illinois),
appeared on behalf of Defendant.

The Clerk: 66 C 2062, In the matter of the petition of Albert F. Manion to perpetuate the testimony of City News Bureau of Chicago for ruling.

Mr. Manion: Good morning, your Honor.

Mr. Ming: Good morning, your Honor.

The Court: Good morning.

I have received all of your briefs and read all of your pleadings thus far, and I am prepared to rule if you have nothing further, first. I have my ruling ready.

Mr. Ming: I should like to say for the record, your Honor, that I was just handed a copy of Mr. Manion's memorandum this morning in the courtroom.

In looking at it very hastily, it contains allegations which purport to be allegations of fact which we would deny.

The Court: Very well, but I directed the filing of briefs simultaneously, because I didn't require you to answer each other, so it won't be necessary for you to do so.

If you will be seated, gentlemen, I will read my ruling.

Mr. Manion: Thank you, your Honor.

Mr. Ming: Thank you.

The Court: Plaintiff, Albert F. Manion, has presented a motion pursuant to Rule 34 of the Federal Rules of Civil Procedure for an order directing defendants to permit the inspecton and photographing of voting machines and election records and materials used in certain precincts within the Third Congressional District on November 8, 1966.

Because the machines were about to be or were already being stripped, I treated this matter as an emergency, and accordingly, directed all parties to file memoranda yesterday, the first court day after the motion was presented.

I have since had the opportunity to review the entire file, including the pleadings heretofore filed by the parties, the transcript of the record and the various previous orders entered by the District Court and by the Court of Appeals.

The record indicates that on November 10, 1966, plaintiff filed a petition to perpetuate testimony of the City News Bureau of Chicago. Then, on November 17, 1966, during the official canvass of the election results, plaintiff appeared ex parte before Judge Perry of this court and

obtained a temporary restraining order restraining the Board of Election Commissioners from continuing with the canvass of the election results in the Congressional elections.

That same day, after a full hearing, Judge Perry vacated the restraining order and plaintiff's motion for a temporary restraining order was denied.

In denying the motion Judge Perry stated:

> "It is my considered opinion that this Court is without jurisdiction in this matter."

From that order, plaintiff has taken an appeal to the United States Court of Appeals for the Seventh Circuit. Plaintiff has also invoked the jurisdiction of the Court of Appeals by presenting an emergency motion to stay the order, dissolving the temporary restraining order.

This motion was denied by the Court of Appeals. The appeal, however, is still pending before the Court of Appeals.

On November 21, 1966, plaintiff again presented before Judge Perry a motion for temporary restraining order to prevent the defendants from proceeding with the election canvass.

After again hearing extensive arguments of counsel on what was, though more formally presented, substantially the same motion previously denied and which is presently pending on appeal, Judge Perry again found that this Court was without jurisdiction and again denied the motion.

Paragraph 7 of that order reads as follows:

> "The Complaint of the plaintiff alleges no ground for invoking the jurisdiction of the United States District Court to supervise the canvass of returns required by the laws of the State of Illinois, and for this Court to assume such jurisdiction would open a Pandora's Box of supervision of all Congressional Elections by the Federal District Courts of the United States."

It is clear from the record that Judge Perry has twice ruled that this Court is without jurisdiction in this case, and that an appeal from one of those orders is now pending before our Seventh Circuit Court of Appeals. Therefore, I cannot now, sitting in Judge Perry's stead, proceed in this case when Judge Perry has ruled that this Court is without jurisdiction. I believe any relief that could possibly obtain, be obtained, must be sought in the Court of Appeals.

For these reasons, the plaintiff's motion is denied, and the defendant's motion to dismiss is granted.

Mr. Manion: Thank you, your Honor.

Mr. Ming: Thank you, your Honor.

The Court: You are welcome.

(Which Were All The Proceedings Had In The Above-Entitled Cause.)

APPENDIX D

CONSTITUTION OF THE UNITED STATES, ARTICLE I

Section 2, Clause 1. *House of Representatives; composition and election of members*

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Section 4, Clause 1. *Congressional elections; time, place, and manner of holding*

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

APPENDIX E

STATUTES

TITLE 42, UNITED STATES CODE:

§1983. *Civil action for deprivation of rights.*

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress (R.S. §1979.)

TITLE 28, UNITED STATES CODE:

§1343. *Civil rights and elective franchise.*

The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

* * *

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

(June 25, 1948, ch. 646, 62 Stat. 932; Sept. 3, 1954, ch. 1263, §42, 68 Stat. 1241; Sept. 9, 1957, Pub. L. 85-315, part III, §121, 71 Stat. 637.)

APPENDIX F

IN THE UNITED STATES DISTRICT COURT

• • (Caption—No. 66 C 2062) • •

COMPLAINT

Plaintiff Albert F. Manion, by his attorney, Donald S. Manion, for his claim against the defendants Sidney T. Holzman, Francis P. Canary, Thaddeus V. Adesko, Raymond F. Simon, Jr., and Marie H. Suthers, states as follows:

1. Plaintiff Albert F. Manion, is a citizen of the United States and of the State of Illinois, and resides in Chicago, Illinois, within the Third Congressional District of the State of Illinois.

2. Plaintiff, a duly registered voter under the laws of Illinois, voted for the office of Representative in Congress of the United States from the Third Congressional District of the State of Illinois, in the general election held on Tuesday, November 8, 1966.

3. Plaintiff Albert F. Manion is a duly nominated and qualified candidate for the office of Representative in Congress of the United States from the Third Congressional District of the State of Illinois.

4. Defendants Sidney T. Holzman, Francis P. Canary and Marie H. Suthers are members of the Board of Election Commissioners of the City of Chicago, Illinois.

5. Defendant Thaddeus V. Adesko is the presiding judge, County Division Circuit Court of Cook County, Illinois.

6. Defendant Raymond F. Simon, Jr. is the corporation counsel of the City of Chicago, Illinois.

7. Defendants Sidney T. Holtzman, Francis P. Canary, Marie H. Suthers, Thaddeus V. Adesko, and Raymond F. Simon, Jr., by virtue of their official positions as members of the Board of Election Commissioners, presiding judge, County Division, Circuit Court of Cook County, Illinois, and corporation counsel of the City of Chicago, Illinois, respectively, constitute the canvassing board of the City of Chicago, Illinois, as provided in Chapter 46, Section 22-8 of the Illinois Revised Statutes.

8. The jurisdiction of this Court is invoked under the provisions of Title 42 United States Code, Section 1983 and Title 28 United States Code, Section 1343 to redress a deprivation of plaintiff's rights secured to him under the Constitution of the United States of America.

9. That beginning on November 8, 1966, a general election was held to elect a Representative in Congress of the United States from the Third Congressional District of the State of Illinois, a geographic portion whereof lies within the corporate limits of the City of Chicago, Illinois, and wherein the said general election was held, conducted and administered by the Board of Election Commissioners of the City of Chicago, Illinois, purporting to act under the applicable Statutes of the State of Illinois governing the time, place and manner of holding such a general election.

10. Article I, Section 4 of the Constitution of the United States provides:

> "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; . . .".

11. That among the said applicable statutes of the State of Illinois governing the time, place, and manner of holding general elections for Representatives in Congress of the United States from Illinois, including the Third Congressional District of Illinois are the following, to wit:

(a) "The board of election commissioners . . . shall . . . prior to an election, select and choose 5 electors, men or women as judges of election for each precinct . . ." (emphasis added.) Ill. Rev. Stat., Ch. 46, Sec. 14-1.

(b) ". . . If a vacancy occurs so late that application to and confirmation by the court cannot be had before the election, then the board of commissioners shall make an appointment and issue a commission to such officer or officers, and when thus appointed such officer shall be considered an officer of the county court. . . ." (Emphasis added.) Ill. Rev. Stat. Ch. 46, § 14-5.

(c) ". . . In case the persons so selected for judges do not appear for examination on notification, then some other persons shall be selected and notified, as aforesaid, until some eligible person is found who will serve. . . ." (emphasis added.) Ill. Rev. Stat., Ch. 46, § 14-3.

(d) "If . . . any judge shall not be present after the expiration of 15 minutes from the time to open the polls, or if thereafter any judge becomes ill or if any member of his immediate family becomes ill, such judge may be excused from further attendance, and the judge or judges present shall fill the place of such absent judge. One of the judges shall administer to such substitute the

oath as required of the judge originally appointed, . . . and such appointee shall be considered an officer of the county court. . . . (emphasis added.) Ill. Rev. Stat., 1965, Ch. 46, Sec. 14-6.

(e) "As soon as the poll of an election shall have been finally closed, the judges of election, in their several precincts, shall immediately, and at the place of the poll, proceed to canvass the vote so cast. Such canvass shall not be adjourned or postponed until it shall have been fully completed, nor until the several statements herein required to be made by the judges shall have been made out and signed by them. . . ." (emphasis added.) Ill. Rev. Stat., Ch. 46, Sec. 18-8.

(f) "The judges of election shall make duplicate statements of the result of the canvass. . . . Each of the statements shall contain a caption stating the day on which, and the number of the election precinct and the ward, city and county, in relation to which such statements shall be made. . . . It shall also contain a statement showing the whole number of votes given for each person, designating the office for which they were given . . . and at the end thereof a certificate that such statement, is correct in all respects; which certificate and each sheet of paper forming part of the statement, shall be subscribed by the judges. If any judge, shall decline to sign such a return he shall state his reason therefor in writing, and a copy thereof, signed by himself, shall be enclosed with each return. . . . Each set of tallies shall also be signed by the judges of the election . . ." (emphasis added.) Ill. Rev. Stats., 1965, Ch, 46, § 18-14.

(g) ". . . In voting machine precincts where the voting machine is not equipped with the automatic recording sheet the officer, officers board or boards charged by law to furnish the ballot labels for the voting machines shall also furnish for each election precinct in which a voting machine is to be used, at least two duplicate return sheets which shall be used by the precinct election board of such election precinct for recording the results of the election. . . . Totals on the return sheets shall be recorded in figures only, in ink." Ill. Rev. Stats. 46, § 24-15.

(h) ". . . Each total on each voting machine shall be as examined and when such examination has been completed, the entire precinct election board shall then compare each total on such return sheet with the corresponding total on the duplicate return sheet and each precinct election official shall satisfy himself that all totals are the same on both return sheets. Each precinct election official shall sign a certificate stating that each step in the canvass of the voting machines, as provided herein, has been carefully and faithfully carried out in every detail. . . . Before leaving the room and before closing and locking the counting compartment, each precinct election official shall make and sign the certificate and written statements and the return sheets of such election as provided by law . . ." Ill. Rev. Stats. Ch. 46, § 24-16.

(i) ". . . Within seven (7) days after the close of such election, the county judge, with the assistance of the city attorney and the board of election commissioners, who are hereby declared

a canvassing board for such city, shall open all returns . . . , and shall make abstracts or statements of the votes. . . . . Ill. Rev. Stats., Ch. 46, § 22-8.

(j) "It shall be the duty of such Board of Canvassers to canvass, and add up and declare the result of every election. . . . Ill. Rev. Stats., Ch. 46, §22-9.

(k) "The County Judge shall be the presiding officer of such canvassing board, and a majority of such canvassing board shall have the right to declare the result, and the result, when so declared, the said County Judge shall cause to be entered of record in his court as aforesaid, which shall be conclusive as to the votes cast at such election in all the precincts of such city, village, or incorporated town operating under Article 6 of this Act." Ill. Rev. Stats., Ch. 46, § 22-14.

12. That defendants Sidney T. Holzman, Francis P. Canary, and Marie H. Suthers, acting as the Board of Election Commissioners of the City of Chicago, Illinois, failed and neglected, and have continued to fail and neglect to select and choose the requisite number of judges of election for all election precincts under their jurisdiction within the Third Congressional District of Illinois, whereby there has been prevented a canvass of the votes cast in such election precincts that did not and do not have the requisite number of precinct election officials, and that as a result whereof valid returns or statement of votes from such election precincts which may be lawfully included within the abstract which the Canvassing Board is required to prepare under the provisions of the laws of the State of Illinois as hereinabove set forth, do not exist.

13. That beginning on November 17, 1966, defendants Sidney T. Holzman, Francis P. Canary, Thaddeus V. Adesko, Raymond F. Simon, Jr., and Marie H. Suthers and their agents and employees, acting and purporting to act as and on behalf of a canvassing board under color of the laws of the State of Illinois began to prepare an abstract or statement of votes for the candidates for the office of Representative in the Congress of the United States from the Third Congressional District of the State of Illinois.

14. In the course of the preparation of the said abstract or statement of votes as hereinabove set forth, and over the continuing protests and objections of plaintiff, the defendant and their agents and employees included, and caused to be included in the said abstract or statement of votes (1) numbers and figures of purported votes for the candidates for the office of representative to the Congress of the United States from Third Congressional District of the State of Illinois, taken from papers and documents that were and are unsigned by the precinct judges of election, in violation of the laws of the State of Illinois as more fully set forth hereinabove; and (2) numbers and figures from papers and documents purporting to be returns from various voting machine precincts situated within the Third Congressional District of Illinois, and which said numbers and figures purported to be totals of votes cast in the said various voting machine precincts, and which said total numbers and figures are recorded on the said purported returns in pencil and not in ink, in violation of the laws of the State of Illinois, as more fully set forth hereinabove.

15. That the failure of defendants acting in their capacity as a canvassing board under color of the laws of

the State of Illinois, to observe and comply with the laws of the State of Illinois relating to the times, places and manner of holding elections for Representatives to Congress from the State of Illinois, is (a) a denial to plaintiff of his rights secured to him under Article I of the Constitution of the United States of America, as an elector of, and candidate for the office of Representative to the Congress of the United States from the Third Congressional District; (b) of his right as a citizen of the United States of America and as an elector and candidate for the office of Representative in Congress of the United States from the Third Congressional District of the State of Illinois to the equal protection of the laws of the State of Illinois guaranteed by the provisions of the Fourteenth Amendment to the Constitution of the United States of America; and (c) deprivation of his right of sufferage, that is to say, the right of citizens to cast a vote for legally qualified persons for the office of Representative to the Congress of the United States, and to have such votes honestly counted, as cast, and recorded and certified at their full value.

16. Plaintiff is without remedy other than by recourse to this court, and unless defendants are restrained and enjoined they will continue to do the things whereof plaintiff complains, and plaintiff will be irreparably injured thereby.

Wherefore plaintiff prays:

(1) defendants Sidney T. Holzman, Francis P. Canary, Thaddeus V. Adesko, Raymond F. Simon, Jr., and Marie H. Suthers, and each of them, and their agents and employees, acting in their official capacity as a canvassing board be permanently restrained and enjoined from including or permitting to be included by any of their agents

and employees, within any abstract or statement of votes relating or pertaining to the candidates for the office of Representative in the Congress of the United States from the Third Congressional District of the State of Illinois any number or figures of votes taken or obtained from any purported return or statement of votes which is not subscribed by the precinct election officials, as required by the laws of the State of Illinois; and

(2) that the said defendants, and each of them, be further permanently restrained and enjoined from including, or permitting to be included by any of their agents or employees within any abstract or statement of votes relating or pertaining to the candidates for the office of Representative in the Congress of the United States from the Third Congressional District of Illinois, any totals of votes cast in various election precincts within the Third Congressional District of Illinois, where such totals are not properly recorded on returns or statements of votes in ink as required by the laws of the State of Illinois, and,

(3) for such other and further relief as the court may deem proper.

/s/ Donald S. Manion
Donald S. Manion
Attorney for Plaintiff

APPENDIX G

IN THE UNITED STATES DISTRICT COURT

* * (Caption—No. 66 C 2062) * *

Exhibit A to Petitioner's Affidavit

(Filed January 9, 1967)

ILLEGAL PRECINCT ELECTION RETURNS USED AND RELIED UPON BY THE CANVASSING BOARD OF THE CITY OF CHICAGO IN PROCLAIMING THE RESULTS OF THE ELECTION FOR REPRESENTATIVE TO CONGRESS, THIRD CONGRESSIONAL DISTRICT, NOVEMBER 8, 1966.

WARD 16

Precinct No.	Votes Reported Murphy	Manion	Alleged Violations of Illinois Election Code (Illinois Revised Statutes, Chapter 46)
1	232	049	Improper certification of Return Envelope (Sec. 18-14) Final totals for each candidate not entered in ink on Return Sheets (Sec. 24-15) Duplicate Return Sheets not filed (Sec. 24-16)
7	192	141	Certificate explaining corrections made on Return Sheet not filed (Sec. 24-16)
11	214	034	Return Sheets not certified by precinct election officials (Sec. 24-16)
13	241	049	Final totals for each candidate not entered in ink on Return Sheets (Sec. 24-15) Return Sheets not certified by each precinct election official (Sec. 24-16)
19	225	055	Final totals for each candidate not entered in ink on Return Sheets (Sec. 24-15) Return Sheets not certified by precinct election officials (Sec. 24-16)
20	198	087	Return Sheets not certified by each precinct election official (Sec. 24-16)
21	171	060	Return Sheets and Statement of Results not promptly delivered to election officials (Sec. 18-16)
26	168	056	Variances between Return Sheets not explained or corrected (Sec. 24-16)
27	387	030	No results of precinct canvass received by election commissioners prior to November 10 (Sec. 18-16) Duplicate Certificate of Results not filed (Sec. 24-15) Duplicate certified Return Sheets not filed (Sec. 24-16)

Precinct No.	Votes Reported Murphy	Manion	Alleged Violations of Illinois Election Code (Illinois Revised Statutes, Chapter 46)
29	248	025	Final totals for each candidate not entered in ink on Return Sheets (Sec. 24-15)
35	248	048	Return Sheets not certified by each precinct election official (Sec. 24-16)
45	281	022	Return Sheets not certified by each precinct election official (Sec. 24-16)
46	206	016	Return Envelope improperly certified (Sec. 18-14) Results of precinct canvass not delivered to Board of Election Commissioners prior to November 10 (Sec. 18-16)
47	241	031	Election not conducted at the polling place appointed by the Board of Election Commissioners (Sec. 11-4)
48	183	072	Results of precinct canvass not delivered to Board of Election Commissioners prior to November 10 (Sec. 18-16)
49	192	037	Final totals for each candidate not recorded in ink on Return Sheets (Sec. 24-15) Duplicate Return Sheets not prepared in accordance with statute (Sec. 24-16)
60	272	067	Final totals for each candidate not recorded in ink on Return Sheets (Sec. 24-15) Return Sheets not certified by precinct election officials (Sec. 24-16)
63	194	037	Final totals for each candidate not entered in ink on duplicate Return Sheet (Sec. 24-15) Variances between Return Sheets not explained or corrected (Sec. 24-16)
64	169	020	Return Sheets not certified by each precinct election official (Sec. 24-16)
65	189	054	Final totals for each candidate not entered in ink (Sec. 24-15)
66	203	023	Return envelope open and empty before beginning of Canvass on November 10 (Sec. 18-16)

WARD 17

Precinct No.	Votes Reported Murphy	Manion	Alleged Violations of Illinois Election Code (Illinois Revised Statutes, Chapter 46)
1	204	035	Return Envelopes improperly certified (Sec. 18-16) Return Sheets not certified by precinct election officials (Sec. 24-16)
5	226	028	Totals not entered in ink on Return Sheets (Sec. 24-15)
6	276	029	Return Envelopes improperly certified (Sec. 18-16) Duplicate Return Sheets not prepared or filed; no totals entered on either Return Sheet (Sec. 24-15) Return sheets not certified by precinct officials (Sec. 24-16)
9	223	035	Return Sheets not certified by all precinct election officials (Sec. 24-16)
10	236	024	Return Envelopes improperly certified (Sec. 18-14)
11	265	044	Return Envelopes improperly certified (Sec. 18-14)
14	231	017	Return Sheets not filed by precinct election officials (Sec. 24-16)
15	180	036	Statement of Results completed in pencil (Sec. 24-15) Return Sheets not filed by precinct election officials (Sec. 24-16)
17	156	025	Final totals for each candidate not entered (Sec. 24-15) Return Sheets missing from Return Envelopes on November 17 (Sec. 24-16)
18	327	028	Return Sheets not certified by all judges of election (Sec. 24-16)
20	151	034	Final totals for each candidate not entered in ink (Sec. 24-15)
22	158	015	Return Sheets not certified by precinct election officials (Sec. 24-16)

Precinct No.	Votes Reported Murphy	Manion	Alleged Violations of Illinois Election Code (Illinois Revised Statutes, Chapter 46)
23	129	032	Return Envelope improperly certified (Sec. 18-14) Statutory certificates not completed by precinct judges; no totals entered; entries made in pencil (Sec. 24-15) Duplicate Return Sheets not filed; single Return Sheet filed lacks totals, is completed in pencil and has not been certified by any precinct election official (Sec. 24-15; 24-16)
27	173	019	Duplicate Return Sheets not filed; certification on filed Return Sheet changed, without Certificate of Explanation filed by precinct election officials (Sec. 24-16)
28	200	016	Final totals for each candidate not entered in ink (Sec. 24-15) Return Sheets not certified by all precinct election officials (Sec. 24-16)
30	211	025	Final totals for each candidate not entered in ink on Return Sheets (Sec. 24-15)
31	274	036	Final totals for each candidate not entered in ink on Return Sheets (Sec. 24-15) Duplicate Return Sheets not filed (results from each voting machine recorded on a separate Return Sheet) (Sec. 24-16)
33	176	022	Final totals for each candidate not entered in ink (Sec. 24-15)
37	188	029	Totals entered on one Return Sheet only (Sec. 24-15)
38	164	018	Return Sheets not certified by all precinct election officials (Sec. 24-16)
39	225	037	Return Sheets not certified by all precinct election officials (Sec. 24-16)
40	218	033	Return Sheets not certified by all precinct election officials (Sec. 24-16)
42	237	032	Return Envelope not certified by precinct officials (Sec. 18-14)

Precinct No.	Votes Reported Murphy.	Manion	Alleged Violations of Illinois Election Code (Illinois Revised Statutes, Chapter 46)
46	282	020	Return Envelope improperly certified by precinct election officials (Sec. 18-14) Return Sheets not certified by all precinct election officials (Sec. 24-16)
47	185	013	Return Envelope improperly certified (Sec. 18-14)
48	220	036	Return Sheets not certified by all precinct election officials (Sec. 24-16)
51	189	014	Return Sheets not certified by all precinct election officials (Sec. 24-16)
53	216	036	Final totals for each candidate not entered (Sec. 24-15)
57	173	054	Return Envelope improperly certified (Sec. 18-14)
60	315	033	Return Envelope improperly certified (Sec. 18-14)
62	187	051	Final totals for each candidate not entered (Sec. 24-15)
63	197	031	Return Sheets not certified by all precinct election officials (Sec. 24-16)
64	255	035	Return Sheets not certified by all precinct election officials (Sec. 24-16)
66	159	048	Return Sheets not certified by all precinct election officials (Sec. 24-16)
68	241	044	Return Sheets not certified by all precinct election officials (Sec. 24-16)

WARD 18

Precinct No.	Votes Reported Murphy	Manion	Alleged Violations of Illinois Election Code (Illinois Revised Statutes, Chapter 46)
28	245	041	Corrections without Certificate of Explanation (Sec. 24-16)
33	131	071	Final totals for each candidate not entered in ink on Return Sheets (Sec. 24-15)
44	207	082	Final totals of Republican candidate not entered in ink on Return Sheets (Sec. 24-15)
45	168	101	Final totals for each candidate not entered in ink on Return Sheets (Sec. 24-15)
46	254	039	Return Sheets prepared in pencil (Sec. 24-15) Return Sheets not certified by each precinct election official (Sec. 24-16)
49	277	243	Return Sheets prepared in pencil (Sec. 24-15)
50	271	042	Return Sheets not certified according to statute (Sec. 24-16) Five precinct election judges not appointed by Board of Election Commissioners (Sec. 14-1)
57	182	082	Total applications for ballots stricken, but not corrected. No Certificate of Explanation filed (Sec. 24-16)
58	166	113	Return Sheets not certified by each precinct election official (Sec. 24-16)
60	190	049	Return Sheets not certified by each precinct election official (Sec. 24-16)
61	205	038	Return Sheets not certified by each precinct election official (Sec. 24-16)
67	169	216	Return Sheets not certified by each precinct election official (Sec. 24-16) Return Envelope not certified by any precinct election official (Sec. 18-14)

Precinct Nb.	Votes Reported Murphy	Manion	Alleged Violations of Illinois Election Code (Illinois Revised Statutes, Chapter 46)
69	229	074	Return Sheets not certified by each precinct election official (Sec. 24-16)
70	188	068	Final totals for each candidate not entered on duplicate Return Sheets (Sec. 24-15) Return Sheets not certified by each precinct election official (Sec. 24-16)
73	171	202	Return Sheets not certified by each precinct election official (Sec. 24-16)
83	183	189	Final totals for each candidate not entered in ink (Sec. 24-15)

WARD 21

Precinct No.	Votes Reported Murphy	Manion	Alleged Violations of Illinois Election Code (Illinois Revised Statutes, Chapter 46)
12	221	079	Canvassing Board refused to abstract extended figures which showed: Murphy - 046; Manion - 079 (Sec. 22-8) Return Sheets not certified by each precinct election official (Sec. 24-16)
13	198	024	Final totals for each candidate not entered in ink (Sec. 24-15)
19	265	045	Corrections made on Return Sheets without Certification by precinct election officials (Sec. 24-16)
24	288	084	Final totals for each candidate not entered in ink (Sec. 24-15)
31	203	188	Return Sheets not certified by each precinct election official (Sec. 24-16)
33	119	157	Final totals for each candidate not entered in ink (Sec. 24-15)
44	235	022	Duplicate Return Sheets not certified by each precinct election official (Sec. 24-16)
45	199	035	Final total for each candidate not entered on Return Sheets (Sec. 24-15)
50	251	065	Return Envelopes not certified by precinct election officials (Sec. 18-14)
53	281	104	Duplicate Return Sheets not filed (Sec. 18-16) Statement of Results not certified by precinct election officials (Sec. 24-15) Return Envelope not certified by precinct election officials (Sec. 18-14) Return Sheets not certified by precinct election officials (Sec. 24-16)
60	190	141	Return Sheets corrected without filing Certificate of Explanation (Sec. 24-16)
80	159	048	Return Sheets not certified by precinct election officials (Sec. 24-16)

Precinct No.	Votes Reported Murphy	Manion	Alleged Violations of Illinois Election Code (Illinois Revised Statutes, Chapter 46)
81	287	046	Return altered without filing Certificate of Explanation (Sec. 24-16)
94	274	037	Tally Sheets returned in one envelope--blank (Sec. 18-14) Statement of Results not certified by each precinct election official (Sec. 18-14) Duplicate Statement of Results not completed by precinct election officials (Sec. 18-14)
97	205	012	Final totals for each candidate not entered in ink (Sec. 24-15)
99	268	040	Return Sheets not certified by precinct election officials (Sec. 24-16)